

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 10, 2003

IN RE:

COMPLAINT OF AENEAS COMMUNICATIONS
AGAINST CITIZENS COMMUNICATIONS IN
WEAKLEY COUNTY, TENNESSEE

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DOCKET NO.
02-00438

ORDER GRANTING PETITION TO INTERVENE

On December 6, 2002, NTCH – West Tenn, Inc. (“NTCH”) filed a *Petition to Intervene* in this matter, which arises from the formal complaint of Aeneas Communications (“Aeneas”) against Citizens Communications (“Citizens”) of Weakley County, Tennessee. NTCH’s *Petition to Intervene* states that NTCH holds a broadband PCS [Personal Communications Services] license for the Dyersburg BTA [Basic Trading Area] and provides wireless services in Weakley County, Tennessee. NTCH further states:

The action of Citizens which is the subject of this complaint has adversely affected the ability of landline customers in Weakley County to reach NTCH – West Tenn, Inc. mobile customers. Citizens’ policy of imposing direct network connections rather than providing tandem access is anticompetitive and forces carriers to incur commercially unreasonable levels of expense to offer calling within Citizens’ local calling area.¹

NTCH further states that the legal rights, duties, privileges, immunities, or other legal interests of NTCH may be affected or determined by the outcome of this proceeding.

¹ *Petition to Intervene*, December 6, 2002, p. 1.

Criteria for Permitting Intervention

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria for granting petitions to intervene:

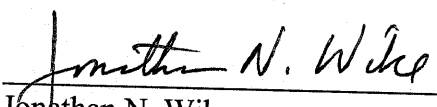
- (a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if;
 - (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
 - (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and
 - (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

Discussion

Upon applying the standards set forth in Tenn. Code Ann. § 4-5-310(a), the Hearing Officer grants NTCH's *Petition to Intervene*. NTCH's *Petition to Intervene* was timely filed and served and substantiates that the legal rights, duties, privileges, immunities or other legal interests of NTCH may be determined in this matter. The Hearing Officer further finds that the orderly and prompt conduct of this proceeding will not be impaired by granting the *Petition to Intervene*. No person has filed an objection to NTCH's *Petition to Intervene*.

IT IS THEREFORE ORDERED THAT:

NTCH – West Tenn, Inc. is hereby given leave to intervene and receive copies of any notices, orders or other documents herein.


Jonathan N. Wike
Hearing Officer